

Part 1 General Provisions

63A-2-101 Creation.

There is created the Division of Purchasing and General Services within the Department of Administrative Services.

Amended by Chapter 252, 1997 General Session

63A-2-101.5 Definitions.

As used in this chapter:

- (1) "Division" means the Division of Purchasing and General Services created under Section 63A-2-101.
- (2) "Federal surplus property" means surplus property of the federal government of the United States.
- (3) "Information technology equipment" means equipment capable of downloading, accessing, manipulating, storing, or transferring electronic data, including:
 - (a) a computer;
 - (b) a smart phone, electronic tablet, personal digital assistant, or other portable electronic device;
 - (c) a digital copier or multifunction printer;
 - (d) a flash drive or other portable electronic data storage device;
 - (e) a server; and
 - (f) any other similar device.
- (4) "Person with a disability" means a person with a severe, chronic disability that:
 - (a) is attributable to a mental or physical impairment or a combination of mental and physical impairments; and
 - (b) is likely to continue indefinitely.
- (5) "Property act" means the Federal Property and Administrative Services Act of 1949, 40 U.S.C. Sec. 549.
- (6) "Purchasing director" means the director of the division appointed under Section 63A-2-102.
- (7) "Smart phone" means an electronic device that combines a cell phone with a hand-held computer, typically offering Internet access, data storage, and text and email capabilities.
- (8) "State agency" means any executive branch department, division, or other agency of the state.
- (9) "State surplus property":
 - (a) means state-owned property, whether acquired by purchase, seizure, donation, or otherwise:
 - (i) that is no longer being used by the state or no longer usable by the state;
 - (ii) that is out of date;
 - (iii) that is damaged and cannot be repaired or cannot be repaired at a cost that is less than the property's value;
 - (iv) whose useful life span has expired; or
 - (v) that the state agency possessing the property determines is not required to meet the needs or responsibilities of the state agency;
 - (b) includes:
 - (i) a motor vehicle;
 - (ii) equipment;
 - (iii) furniture;
 - (iv) information technology equipment; and

- (v) a supply; and
- (c) does not include:
 - (i) real property;
 - (ii) an asset of the School and Institutional Trust Lands Administration, established in Section 53C-1-201;
 - (iii) a firearm or ammunition; or
 - (iv) an office or household item made of aluminum, paper, plastic, cardboard, or other recyclable material, without any meaningful value except for recycling purposes.
- (10) "State surplus property contractor" means a person in the private sector under contract with the state to provide one or more services related to the division's program for the management and disposition of state surplus property.

Amended by Chapter 98, 2015 General Session

63A-2-102 Director of division -- Appointment.

- (1) The executive director shall appoint the director of the Division of Purchasing and General Services with the approval of the governor.
- (2) The purchasing director is also the state's chief procurement officer.

Amended by Chapter 98, 2015 General Session

63A-2-103 General services provided -- Subscription by state departments, state agencies, and certain local governmental entities -- Fee schedule.

- (1) The purchasing director:
 - (a) shall operate, manage, and maintain:
 - (i) a central mailing service; and
 - (ii) an electronic central store system for procuring goods and services;
 - (b) shall, except when a state surplus property contractor administers the state's program for disposition of state surplus property, operate, manage, and maintain the state surplus property program;
 - (c) shall, when a state surplus property contractor administers the state's program for disposition of state surplus property, oversee the state surplus property contractor's administration of the state surplus property program in accordance with Part 4, Surplus Property Services; and
 - (d) may establish microfilming, duplicating, printing, addressograph, and other central services.
- (2)
 - (a) Each state agency shall subscribe to all of the services described in Subsection (1)(a), unless the director delegates the director's authority to a state agency under Section 63A-2-104.
 - (b) An institution of higher education, school district, or political subdivision of the state may subscribe to one or more of the services described in Subsection (1)(a).
- (3)
 - (a) The purchasing director shall:
 - (i) prescribe a schedule of fees to be charged for all services provided by the division after the purchasing director:
 - (A) submits the proposed rate, fees, or other amounts for services provided by the division's internal service fund to the Rate Committee established in Section 63A-1-114; and
 - (B) obtains the approval of the Legislature, as required by Section 63J-1-504;
 - (ii) ensure that the fees are approximately equal to the cost of providing the services; and
 - (iii) annually conduct a market analysis of fees.

- (b) A market analysis under Subsection (3)(a)(iii) shall include a comparison of the division's rates with the fees of other public or private sector providers if comparable services and rates are reasonably available.

Amended by Chapter 98, 2015 General Session

63A-2-104 Delegation of general services to departments or agencies -- Writing required -- Contents -- Termination.

- (1) The purchasing director, with the approval of the executive director, may delegate, in writing, the purchasing director's authority to perform or control any general services function to another state agency by contract or other means authorized by law, if:
 - (a) in the judgment of the executive director, the state agency has requested the authority; and
 - (b) the state agency has the necessary resources and skills to perform or control the functions.
- (2) The purchasing director may delegate the purchasing director's authority only when the delegation would result in net cost savings or improved service delivery to the state as a whole.
- (3) The written delegation shall contain:
 - (a) a precise definition of each function to be delegated;
 - (b) a clear description of the standards to be met in performing each function delegated;
 - (c) a provision for periodic administrative audits by the department; and
 - (d) a date on which the agreement shall terminate if not previously terminated or renewed.
- (4) An agreement to delegate functions to a state agency may be terminated by the department if the results of an administrative audit conducted by the department reveal lack of compliance with the terms of the agreement.

Amended by Chapter 98, 2015 General Session

63A-2-105 Director to approve certain purchases.

- (1) A state agency that intends to purchase any mail-related equipment or copy machine shall submit a purchase request to the purchasing director.
- (2) The purchasing director shall review a request under Subsection (1) to ensure that:
 - (a) the authority to perform those functions has been appropriately delegated to the state agency under this part;
 - (b) the equipment meets proper specifications; and
 - (c) the benefits from the state agency's purchase of the equipment outweigh the benefits of having the same functions performed by the division.

Amended by Chapter 98, 2015 General Session